



**Executive Session
CITY OF AUSTIN
REQUEST FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 46
AGENDA DATE: Thu 03/24/2005
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**CITY OF AUSTIN LAW DEPARTMENT
EXECUTIVE SESSION REQUEST**

POSTING LANGUAGE: Discuss legal issues regarding an ordinance to adopt a settlement agreement (hereafter "Settlement Agreement Ordinance") in Cause No. GV-400101; *City of Sunset Valley, Texas, Save Barton Creek Association, Inc., and Save Our Springs Alliance, Inc., vs. City of Austin, Texas and Lowe's Home Center, Inc.*; in the 201st Judicial District; Travis County, Texas; waiving board and commission review and allowing for development other than that allowed by the Save Our Springs Initiative Ordinance (hereafter "SOS"), Chapter 25, Article 12, of the Austin City Code. If this Settlement Agreement Ordinance is approved by Council, development that does not comply with SOS would occur on a tract of land that is owned by Lowe's Home Center, Inc., located on the west side of Brodie Lane between William Cannon Drive and Country White Lane over the Barton Springs portion of the Edwards Aquifer recharge zone. (concerns a challenge to the Garza Brodie agreement by which the Lowe's litigation was resolved)

EXECUTIVE SESSION STATUTORY PROVISION: Private Consultation with Attorney - Section 551.071

REQUESTOR: David Allan Smith

PRESENTED BY: Laurie Eiserloh; David Allan Smith

OUTSIDE COUNSEL: N/A

STAFF ATTENDANCE: Nancy McClintock; Patrick Murphy; Nico Hauwart

EQUIPMENT REQUIRED: N/A
